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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,001	08/15/2000	Toshiyuki Toyofuku	97049/7D/Lh	1630

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EXAMINER
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AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2615

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DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/639,001

Applicant(s)

TOYOFUKU ET AL.

Examiner

Yogesh K Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-20 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Election/Restrictions***

1. Applicant's election without traverse of claims 12-16 in Paper No. 7 is acknowledged. By electing claims 12-16, claims 17-19 are also considered since they are dependent upon elected claims. Claim 20 is withdrawn from consideration as being non-elected. Since no indication was made it is taken as non-elected without traverse.
2. The cancellation of claims 1-11 as indicated in Amendment filed 03/24/04 is acknowledged. Claims 12-20 are presently pending.

***Response to Amendment***

- a) Applicant's amendment to claims 12 and 17 in the amendment faxed 03/24/2004 is acknowledged.
- b) In the amendments faxed 03/09/2004 and 03/24/2004 the serial No. of the application should be changed from 09/639,991 to 09/639,001.
- c) A supplemental copy of amendment (Paper # 8) dated 03/24/04 is needed, as the copy provided is not legible.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 12, 13, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orie (US Patent # 5,200,863) in view of Tsunekawa et al. (US Patent # 5,923,367).

[Claim 12]

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Orii teaches the following:

An electronic image pickup apparatus (figure 2: 10), comprising:

a housing (figure 2: 11) which houses a finder unit (figure 2: 15), an electronic image pickup unit (figure 1: 21) and an image display device (figure 2: 18), and an eyepiece window of the finder unit is located on a rear surface area (figure 2: 15 discloses an eyepiece window located in a rear surface area), in which an image display screen of the image display device is exposed (figure 2: 18), the outer surface of the housing (figure 2: 18),

the eyepiece window is also located in a left side of the image display device on the rear surface area (figure 2 discloses that the eyepiece window 15 is located on a left side of the image display device 18). Orii fails to teach the following: an image display device which is provided with an image display device operating member being used to operate image display device on a outer surface wherein the image display device operating member is located in a right side of the image display screen of the image display device or the rear surface area. However Tsunekawa teaches that it is well known and used in the art to have an image display device (figure 16: 568) which is provided with an image display device operating member (figure 16: 565 and 566) being used to operate image display device on a outer surface wherein the image display device operating member is located in a right side of the image display screen of the image display device or the rear surface area (col. 32 lines 14-21 figure 16). Therefore taking the combined teachings of Orii and Tsunekawa it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have an image display device which is provided with an image display device operating member being used to operate image display device on a outer surface wherein the image display device operating member is located in a right side of the

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image display screen of the image display device or the rear surface area. Doing so would allow reproducing the address of the images and the images itself on the display device as taught by Tsunekawa (col. 32 lines 14-21).

[Claim 13]

An electronic image pickup apparatus according to claim 12, wherein the eyepiece window of the finder unit is located in a vicinity of an upper end of the rear surface area (Orie, figure 2 discloses that the eyepiece window 15 of the finder unit is located in a vicinity of an upper end of the rear surface area), and the image display device operating member is also located in the vicinity of the upper end of the rear surface area (Tsunekawa, col. 32 lines 14-21 figure 16: 565 and 566).

[Claim 17]

An electronic image pickup apparatus according to claim 13, further comprising a signal terminal (Orie, figure 2: 19) which is used to output an image signal generated by the electronic image pickup unit (Orie, col. 4 lines 5-9, figure 1: 21) and which is arranged in a side end area on the outer surface of the housing and in a left portion of the finder unit (Orie, col. 6 lines 56-62) [The signal terminal is located in the right side of the finder unit in the Orie reference but it is obvious to one skilled in the art that it can be located on the left of it unless there is an unexpected advantage in doing so].

5. Claims 14, 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orie (US Patent # 5,200,863).

[Claim 14]

An electronic image pickup apparatus (Orie, figure 2: 10), comprising:

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a lens unit (Orii, figure 2: 12), which images an object and produces an electronic pick up image (Orii, col. 4 lines 5-9);

an image display device (Orii, figure 2: 18) which displays the image (Orii, col. 4 lines 23-27);  
and

a housing (Orii, figure 2: 11) which houses the lens unit and the image display device (Orii, col. 3 lines 37-40),

wherein the lens unit and the image display device are arranged in the housing to prevent the lens unit and the image display device from overlapping with each other in a direction along an optical axis of the lens unit [In Orii figure 2 the lens unit 12 is arranged on the front end in the center part and the image display device 18 is arranged in the rear right side of the camera and they are not overlapping each other].

[Claim 16]

An electronic image pickup apparatus according to claim 14, further comprising a finder unit (Orii, figure 2: 15) which captures a desired photographic target, the finder unit including a finder eyepiece and being housed in the housing (Orii, col. 3 lines 46-48), and

wherein the finder eyepiece and an image display screen of the image display device are arranged on a rear region of an outer surface of the housing to prevent the finder eyepiece and the image display device from overlapping with each other, and the finder eyepiece is positioned at an upper end position in one end side on the rear region (See figure 2 in Orii).

[Claim 18]

An electronic image pickup apparatus according to claim 14, further comprising a signal terminal (figure 2: 19) which is used to output an image signal corresponding to the electronic pickup

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image produced by the lens unit (Orii, col. 4 lines 5-9, figure 2: 12); and which is arranged in a side end area on the outer surface of the housing and in a left portion of the finder unit (Orii, col. 6 lines 56-62) [The signal terminal is located in the right side of the finder unit in the Orii reference but it is obvious to one skilled in the art that it can be located on the left of it unless there is an unexpected advantage in doing so].

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orii (US Patent # 5,200,863) as applied to claim 1 above and further in view of Kirigaya et al. (US Patent # 5,682,558).

[Claim 15]

Orii teaches the limitations of claim 14 but fail to teach "... an electronic flash, which is housed in the housing, and which emits light, and wherein the housing further comprises an electronic flash window for illuminating which allows light emitted from the electronic flash to be projected toward the object, and the electronic flash window is arranged at an upper position of a center portion of a front region in an outer surface of the housing". However Kirigaya et al. teaches that it is well known and used in the art to have an electronic flash, which is housed in the housing, and which emits light, and wherein the housing further comprises an electronic flash window for illuminating which allows light emitted from the electronic flash to be projected toward the object, and the electronic flash window is arranged at an upper position of a center portion of a front region in an outer surface of the housing (col. 16 lines 2-5)[Although this is a film camera but can be used as a digital camera as disclosed in col. 23 lines 36-45 figure 11. The A/D converter converts the image data into digital signals, which can be stored in a memory]. Therefore taking the combined teachings of Orii and Kirigaya it would have been obvious to one

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skilled in the art at the time of the invention to have been motivated to have an electronic flash, which is housed in the housing, and which emits light, and wherein the housing further comprises an electronic flash window for illuminating which allows light emitted from the electronic flash to be projected toward the object, and the electronic flash window is arranged at an upper position of a center portion of a front region in an outer surface of the housing. Doing so would allow us to take the images in low-lighting conditions.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orii (US Patent # 5,200,863) in view of Shimokawa (JP Patent # JP407261067A).

[Claim 19]

Orii teaches the limitations of claim 14 but fail to teach “an image pickup substrate which is used to control the lens unit and which is housed in the housing, the image pickup unit substrate being arranged in a back side of the lens unit and in a lateral side of the image display device”.

However Shimokawa teaches that it is well known and used in the art to have an image pickup substrate (figure 2: 1) which is used to control the lens unit (figure 2: 4) and which is housed in the housing, the image pickup unit substrate being arranged in a back side of the lens unit and in a lateral side of the image display device (Constitution of the abstract). Therefore taking the combined teachings of Orii and Shimokawa it would have been obvious to one skilled in the art at the time of the invention to have an image pickup substrate which is used to control the lens unit and which is housed in the housing, the image pickup unit substrate being arranged in a back side of the lens unit and in a lateral side of the image display device. Doing so would allow an inexpensive focusing position adjustment mechanism capable of easily adjusting the focal distance from the focusing surface of the CCD as taught in Shimokawa (Purpose of the abstract).



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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (703) 305-0346. The examiner can normally be reached on M-F 9:00AM-5: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary examiner, Vu Le can be reached (703) 308-6613. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

YKA  
March 12, 2004

  
VU LE  
PRIMARY EXAMINER